

**BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE
MONTANA STATE AUDITOR**

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|---|---|------------------------------------|
| IN THE MATTER OF: |) | Case No.: INS-2013-105 |
| |) | |
| WILLOUGHBY INSURANCE SERVICES |) | |
| LLC, d/b/a BAD BOY BAIL BONDS & |) | |
| SHOT GUN WILLY'S FUGITIVE |) | |
| RECOVERY SERVICE, |) | |
| |) | CONSENT AGREEMENT AND FINAL |
| |) | ORDER |
| WILLIAM A. TOMPKINS, individually, |) | |
| and in his capacity as an insurance producer, |) | |
| and |) | |
| |) | |
| JOHN J. WILLOUGHBY, individually, and |) | |
| in his capacity as an insurance producer, |) | |
| |) | |
| Respondents. |) | |

This Consent Agreement and Final Order (Agreement) is entered into by the Office of the Commissioner of Securities and Insurance, Montana State Auditor (CSI), acting pursuant to the authority of the Montana Insurance Code, Mont. Code Ann. § 33-1-101 et seq. (Code); and John J. Willoughby (Willoughby) and Willoughby Insurance Services LLC, d/b/a Bad Boy Bail Bonds & Shot Gun Willy's Fugitive Recovery Services (Bad Boy) (collectively, Respondents).

RECITALS

WHEREAS, Bad Boy is a bail bond agency licensed to operate in the state of Montana;

WHEREAS, Willoughby is the owner and principal of Bad Boy, and a licensed insurance producer in the state of Montana;

WHEREAS, William A. Tompkins (Tompkins) is an employee of Bad Boy;

WHEREAS, on May 10, 2013, Tompkins sold three bail bonds to customers on behalf of Bad Boy;

WHEREAS, on May 16, 2013, Tompkins sold one additional bail bond to a customer on behalf of Bad Boy;

WHEREAS, on the dates the bonds were sold, Tompkins was not licensed to sell surety bonds in the state of Montana;

WHEREAS, the sale of a surety bond in Montana while not properly licensed as an insurance producer violates § 33-17-201;

WHEREAS, knowingly accepting insurance business from an unlicensed person violates § 33-17-1001(1)(l);

NOW, THEREFORE, in consideration of the mutual undertakings contained in this Agreement, the CSI and Respondents enter into the following:

STIPULATIONS AND CONSENTS

1. Without admitting or denying any of the CSI's allegations, Respondents stipulate and agree to the following:

A. Within 30 calendar days from the execution of this Agreement, Willoughby shall pay a fine of \$500. The fine must be made payable to the Montana State Auditor and sent to the Office of the Commissioner of Securities and Insurance, Montana State Auditor, c/o Nick Mazanec, 840 Helena Avenue, Helena, MT 59601.

B. Within 60 calendar days from the execution of this Agreement, Bad Boy shall pay a fine of \$500. The fine must be made payable to the Montana State Auditor

and sent to the Office of the Commissioner of Securities and Insurance, Montana State Auditor, c/o Nick Mazanec, 840 Helena Avenue, Helena, MT 59601.

2. All parties to this Agreement stipulate and agree as follows:

A. Respondents acknowledge that they and/or their authorized representative have read and understand each term of this Agreement and enter into this Agreement voluntarily and without reservation.

B. Respondents and the CSI agree that this Agreement resolves the matters set forth in the Recitals, and that the CSI has no intention to impose any penalty or fine, or take any other disciplinary action, for the conduct detailed therein.

C. With respect to the Recitals, Respondents specifically and affirmatively waive a contested case hearing and the right to appeal under the Montana Administrative Procedure Act, including Title 2, chapter 4, part 7, and elect to resolve this matter on the terms and conditions set forth therein.

D. Respondents fully and forever release and discharge the CSI from any and all actions, claims, causes of action, demands, or expenses for damages or injuries, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of the Recitals.

E. This Agreement is entered without adjudication of any issue, law, or fact. It is entered solely for the purpose of resolving the matters set forth in the Recitals and is not intended to be used for any other purpose.

F. This Agreement constitutes the entire agreement between the parties with respect to the subject matter and no other promises or agreements, either express or

implied, have been made by the CSI or by any member, officer, agent, or representative of the CSI to induce Respondents to enter into this Agreement.

G. This Agreement may not be modified orally, and any subsequent modifications to this Agreement must be mutually agreed upon in writing with the same formality as this Agreement to be effective.


H. This Agreement shall be incorporated into and made part of the attached Final Order issued by the Commissioner of Securities and Insurance, Montana State Auditor (Commissioner), herein.

I. This Agreement shall be effective upon signing of the Final Order.

J. This Agreement and Final Order are public records under Montana law and as such may not be sealed or otherwise withheld from the public.

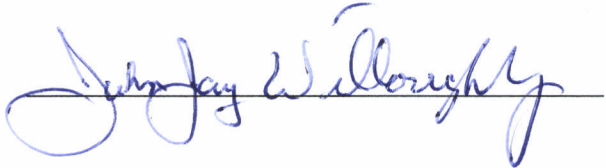
DATED this 21 day of August, 2013

**OFFICE OF THE COMMISSIONER OF
SECURITIES AND INSURANCE,
MONTANA STATE AUDITOR**

By: 
NICK MAZANEC
Attorney for the CSI

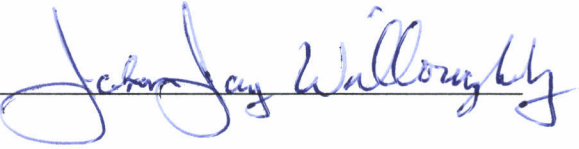
DATED this 13 day of August, 2013

JOHN J. WILLOUGHBY



DATED this 13 day of August, 2013

**WILLOUGHBY INSURANCE
SERVICES LLC**

By: 
Its: _____

FINAL ORDER

Pursuant to the authority vested by Mont. Code Ann. §§ 2-4-603 and 33-1-101, et seq.
and upon review of the foregoing Consent Agreement and good cause appearing,

IT IS HEREBY ORDERED that the foregoing Consent Agreement between the Office of
the Commissioner of Securities and Insurance, Montana State Auditor, and Respondents John J.
Willoughby and Willoughby Insurance Services LLC, is adopted as set forth fully herein.

DATED this 23rd day of August, 2013.

MONICA J. LINDEEN
Commissioner of Securities and Insurance
Montana State Auditor

By: _____

ADAM SCHAFER
Deputy State Auditor